

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:16-cv-24-MOC-DSC**

GLEND A WESTMORELAND,

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)
Plaintiff,

)

)
vs.

)

ORDER

**TWC ADMINISTRATION LLC
d/b/a TIME WARNER CABLE,**

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)
Defendant.

)

THIS MATTER is before the Court on Defendant's Emergency Motion and Memorandum to Strike and/or Decline to Consider "Economic Report" (Doc. No. 122-2), Preclude Plaintiff From Presenting Expert Testimony at the Front Pay Hearing, and Shorten Plaintiff's Time to Respond. (Doc. No. 123).

In its motion, Defendant seeks the following from the Court: (1) an Order requiring Plaintiff to file any response to Defendant's Motion no later than 5:00 p.m. on Monday, December 16, 2019; (2) an Order striking and declining to consider the "Economic Report" submitted as Docket Entry 122-2 by Plaintiff, along with all references to that report in the brief Plaintiff filed as Docket Entry 122; and (3) an Order precluding Plaintiff's purported expert, Gary R. Albrecht, PhD., from offering any testimony, orally or by declaration or affidavit, at the December 18 front pay hearing or any other proceeding in this matter.

First, Defendant did not file the emergency motion until the afternoon of Friday, December 13, 2019. It appears to the Court that it would be unduly burdensome, on such short notice, to require Plaintiff to respond by Monday, December 16, 2019. Thus, the Court declines to order Plaintiff to file a response by Monday, December 16, 2019. Instead, Plaintiff shall have the

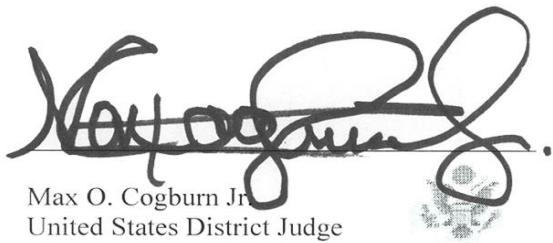
opportunity to respond to Defendant's motion at the Court's hearing scheduled for December 18, 2019.

As to Defendant's request for an Order striking Plaintiff's Economic Report and precluding Plaintiff's purported expert from offering testimony at the December 18, 2019, front pay hearing, the Court will address the parties' arguments at the December 18, 2019, hearing.

Thus, as stated herein, Defendant's Emergency Motion and Memorandum to Strike and/or Decline to Consider "Economic Report" (Doc. No. 122-2), Preclude Plaintiff From Presenting Expert Testimony at the Front Pay Hearing, and Shorten Plaintiff's Time to Respond. (Doc. No. 123), is **DENIED** in part, and the Court will entertain the parties' arguments at the December 18 hearing.

IT IS SO ORDERED.

Signed: December 13, 2019



The image shows a handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.". Below the signature, there is a small, faint, circular official seal or stamp.

Max O. Cogburn Jr.
United States District Judge